

### **Fraud by Mortgagors of Personal Property.**

An. Code, sec. 184. 1904, sec. 166. 1888, sec. 111. 1884, ch. 202. 1888, ch. 193. 1894, ch. 315. 1920, ch. 210, sec. 184.

**210.** Any mortgagor of personal property in possession of the same, or any purchaser of personal property under a recorded or unrecorded, conditional, written contract, in possession of said property, or any execution debtor in possession of personal property levied on and taken in execution, who, in the case of mortgaged personal property, without the consent of the mortgagee or his assigns, first had and obtained in writing, or who, in the case of the purchaser of personal property under a recorded or unrecorded, conditional, written contract, without the consent first had and obtained in writing of the conditional vendor in said contract, or his assigns, or who, in the case of personal property levied on and taken in execution, without the consent of the execution creditor, his assigns or lawfully authorized agents, first had and obtained in writing, and with intent to defraud the mortgagee, or with intent to defraud the said vendor of personal property in a recorded or unrecorded, conditional, written contract, or his assigns, or with intent to defraud the execution creditor or his assigns, and defeat his or their lien under said execution, shall remove any of the personal property so mortgaged or purchased under said recorded or unrecorded, conditional, written contract, or levied on and taken in execution as aforesaid, as the case may be, beyond the limits of the city or county where it is located when so mortgaged or purchased under said recorded or unrecorded, conditional, written contract, or levied on and taken in execution, or who, with intent as aforesaid, removes, secretes, hypothecates, destroys or sells the same shall be deemed guilty of a misdemeanor, and on indictment therefor and conviction thereof shall be imprisoned in the city or county jail not more than six months, or shall be fined not more than five hundred dollars, or both, in the discretion of the court; but nothing herein contained shall be construed to relieve the sheriff or other officer holding said execution from his responsibility to the execution creditor for the safe keeping of any personal property by him levied on and taken in execution as aforesaid.

For a suit for malicious prosecution growing out of arrest under this section, and involving defense that warrant upon which plaintiff was arrested was of no effect, and hence defendant was not liable, see *Smith v. Brown*, 119 Md. 244.

For a suit for malicious prosecution growing out of an indictment under this section, see *Hooper v. Vernon*, 74 Md. 137.

As to "Bills of Sale and Chattel Mortgages," see art. 21, sec. 44, *et seq.*

As to fraudulent conveyances, see art. 39B.

### **Fraud—Re-Hypothecation of Personal Securities.**

An. Code, sec. 185. 1904, sec. 167. 1888, sec. 112. 1878, ch. 172.

**211.** It shall not be lawful for any person or persons, bank, building association or corporation to re-pledge or re-hypothecate any stocks, bonds or other security or securities, the title to which passes by delivery or endorsement received or held by him or them as security for any money lent or advanced to the owner or holder of such stocks, bonds or other securities, during the continuance of the contract of pledge or hypothecation, without